

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MEDCITY REHABILITATION SERVICES, LLC,

Plaintiff,

v.

Case No. 11-cv-14777
HON. GERSHWIN A. DRAIN

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

And

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Counter-Plaintiff,

v.

MEDCITY REHABILITATION SERVICES, LLC,
and DAWIT TEKLEHAIMANOT, D.O.,

Counter-Defendants.

**ORDER GRANTING MOTION TO CONSOLIDATE CASES [#100], GRANTING JOINT
MOTION TO ADJOURN SCHEDULING ORDER [#107], GRANTING MOTION FOR
LEAVE TO FILE SECOND AMENDED COUNTERCLAIMS [#99], GRANTING
MOTION FOR THE LAW OFFICES OF CARL COLLINS, III, TO SHOW CAUSE
WHY IT SHOULD NOT BE HELD IN CONTEMPT FOR ITS WILLFUL
NONCOMPLIANCE WITH A LAWFULLY ISSUED SUBPOENA [#94], GRANTING
MOTION FOR CARL COLLINS, III, TO SHOW CAUSE WHY HE SHOULD NOT BE
HELD IN CONTEMPT FOR HIS WILLFUL NONCOMPLIANCE WITH A LAWFULLY
ISSUED SUBPOENA [#95], GRANTING MOTION FOR ALPHA LIVING, LLC, TO
SHOW CAUSE WHY IT SHOULD NOT BE HELD IN CONTEMPT FOR ITS WILLFUL
NONCOMPLIANCE WITH A LAWFULLY ISSUED SUBPOENA [#96] AND STRIKING
MOTION TO COMPEL INTERROGATORY RESPONSES AND DOCUMENT
PRODUCTION FROM DAWIT TEKLEHAIMANOT, D.O. [#87]**

On December 18, 2012, the parties appeared for oral argument on various motions currently

pending before this Court. For the reasons stated on the record at the hearing, the Court GRANTS State Farm's Motion to Consolidate Related Actions [#100]. The following cases are HEREBY consolidated: 4:11-cv-14777, 4:11-cv-15054, 4:12-cv-13945, 4:12-cv-14363 and 4:12-cv-14499 for all purposes, including trial. From this date forward, all motions shall be filed in the earliest case number, or case number 4:11-cv-14777.

The parties Joint Motion to Adjourn Scheduling Order [#107] is GRANTED. The following dates shall govern in this matter:

Witness Lists due:	July 18, 2013
Discovery cutoff:	August 29, 2013
Dispositive Motion cutoff:	September 30, 2013
Settlement Conference:	October of 2013 (before Magistrate Judge R. Steven Whalen)
Final Pretrial Order due:	January 20, 2014
Final Pretrial Conference:	January 27, 2014 at 10:00 a.m.
Trial:	February 14, 2014 at 9:00 a.m.

Additionally, the Court STRIKES State Farm's Motion to Compel Interrogatory Responses and Document Production from Dawit Teklehaimanot [#87]. State Farm shall re-file its Motion to Compel no later than January 22, 2013. This motion shall not exceed fifteen (15) pages in length. Dr. Teklehaimanot shall file a response to State Farm's renewed Motion to Compel that does not exceed fifteen (15) pages in length. Upon the Court's review of the parties' filings, the Court may schedule a hearing on State Farm's Renewed Motion to Compel Interrogatory Responses and Document Production from Dawit Teklehaimanot, D.O.

State Farm's Motion for Order to Show Cause, or alternatively, Motion to Compel the Law

Offices of Carl Collins, III, to Comply with a Lawfully Issued Subpoena [#94] is GRANTED. MedCity shall show cause, in writing no later than January 18, 2013, why the Law Offices of Carl Collins, III, should not be held in contempt for its willful noncompliance with a lawfully issued subpoena.

State Farm's Motion for Order to Show Cause, or alternatively, Motion to Compel Carl Collins, III, to Comply with a Lawfully Issued Subpoena [#95] is GRANTED. MedCity shall show cause, in writing no later than January 18, 2013, why Carl Collins, III, should not be held in contempt for his willful noncompliance with a lawfully issued subpoena.

State Farm's Motion for Order to Show Cause, or alternatively, Motion to Compel Alpha Living, LLC, to Comply with a Lawfully Issued Subpoena [#96] is GRANTED. MedCity shall show cause, in writing no later than January 18, 2013, why Alpha Living, LLC, should not be held in contempt for its willful noncompliance with a lawfully issued subpoena.

MedCity shall file a Response to State Farm's Motion to Compel Interrogatory Responses and Document Production from MedCity Rehabilitation Services, LLC [#42] no later than January 22, 2013. State Farm may file a reply brief, not to exceed three (3) pages in length. Upon review of the parties' briefs, the Court may schedule a hearing.

MedCity shall serve its discovery responses, agreed to in the parties' Joint Memorandum Regarding State Farm's Motion to Compel Documents and Interrogatory Answers, on or before January 22, 2013. *See* Dkt. No. 68. **Failure to serve the discovery responses by January 22, 2013 will result in the imposition of sanctions against MedCity in the amount of \$2,500.00.**

Additionally, State Farm is granted an extension of time to submit its discovery responses and privilege log relative to Magistrate Judge Whalen's December 10, 2012 Order Granting in Part

and Denying in Part Dr. Teklehaimanot's Emergency Motion to Compel Discovery from State Farm. State Farm shall comply with Magistrate Judge Whalen's December 10, 2012 Order on or before January 7, 2013.

State Farm's Motion for Leave to File Second Amended Counterclaims [#99] is GRANTED.

SO ORDERED.

Dated: December 19, 2012

/s/ Gershwin A. Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, December 19, 2012, by electronic and/or ordinary mail.

s/Tanya Bankston
Case Manager, (810) 341-9762